



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

#### CONFLICT OF INTEREST CODE

##### AMENDMENT

##### STATE AGENCY:

Office of Administrative Law

A written comment period has been established commencing on **June 21, 2002**, and closing on **August 5, 2002**. Written comments should be directed to the Fair Political Practices Commission, Attention: **Kevin S. Moen**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed amendment to the conflict of interest code will be submitted to the Commission's Executive Director for his review, unless any interested person, or his or her duly authorized representative, requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed amendment will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced amendment to the conflict of interest code, proposed pursuant to Government Code section 87300, which designates, pursuant to Government Code section 87302, employees who must disclose certain investments, interests in real property, and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the amendment to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed amendment to the conflict of interest code.

Any written comments must be received no later than **May 21, 2001**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses, or small businesses.

#### AUTHORITY

Government Code sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Kevin S. Moen**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **ANALYST**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### **TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture proposes to amend Sections 1380.19 (m), 1430.10, 1430.12, 1430.14, 1430.26, 1430.27, 1430.32, 1430.45, 1430.50, and 1430.51 of the regulations in Title 3 of the California Code of Regulations pertaining to standard containers for oranges, lemons, grapefruit, and tangerines of the Minneola, Orlando, and Royal Mandarin variety.

Notice is also given that any interested person may present statements or arguments in writing relevant to the proposed action until 4:30 p.m. on August 13, 2002. A public hearing has also been scheduled at 9:00 a.m., August 13, 2002, at the Fresno County Farm Bureau, 1274 W. Hedges Avenue, Fresno, CA. Please refer to the contact section of this notice for the contact persons and address information when submitting comments.

#### **INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW**

Section 1380.19, subsection (m) describes the dimensions for existing standard containers for oranges, lemons, grapefruit, and tangerines of the Minneola, Orlando, and Royal Mandarin (hereinafter referred to as tangerines), respectively.

Sections 1430.12, 1430.14, 1430.26, 1430.27, 1430.45, 1430.50, and 1430.51 provide that oranges, lemons, grapefruit, and tangerines, respectively, shall be in one of several specified standard containers. Section 1430.51 also describes the size and average diameter of tangerines and mandarins that are packed in standard containers.

Section 1430.32 describes the size and average diameter for lemons that are packed in standard containers.

This proposal would amend sections 1380.19 (m), 1430.12, 1430.14, 1430.26, 1430.27, 1430.45, 1430.50, and 1430.51 by adopting new standard container 65 for all of the above citrus, container 66 for all of the above citrus except grapefruit, and by adopting new standard container 67 for lemons only, with each container having specified dimensions, including inside depth, outside width, and outside length. Amendment of these sections would also eliminate container 64.

Amendment of sections 1430.32 and 1430.51 would add clarification to the existing regulation by adding the word "minimum". The original intent of these sections was to provide a minimum diameter, not an average diameter, of the fruit contained in the containers. In addition, editorial amendments will be made to the above sections for consistency within the regulations and to correct citations of authority.

#### **FISCAL IMPACT STATEMENTS**

The Department has initially determined that these proposed regulations will have no effect on savings or increased costs to any state agency, no costs under "Part 7 (commencing with Section 17500) of Division 4" of the Government Code to local agencies or school districts requiring reimbursement, no other nondiscretionary costs or savings imposed on local agencies, and no costs or savings in federal funding to the State will result from these proposed regulations. The Department determined that these proposed regulations do not impose a mandate on local agencies or school districts.

#### **EFFECT ON SMALL BUSINESS**

The Department has initially determined that these proposed changes in the regulations would result in no added costs to small businesses affected by these proposed changes and would have a positive effect on such businesses. This is based on the fact that the proposal offers new alternatives, new standard containers that meet the needs of the affected commodity groups without requiring change on the part of industry.

#### **EFFECT ON HOUSING COSTS**

The Department has initially determined that the amendments of the proposed regulation will have no effect on housing costs.

#### **SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS**

The Department has initially determined that these proposed changes would have no statewide adverse economic impact directly on businesses, including the ability for California businesses to compete with businesses in other states.

#### **ASSESSMENT STATEMENT**

The Department has initially determined that the proposed changes in the regulations would not affect the creation or elimination of jobs in California and would neither create nor eliminate or expand existing businesses in California.

#### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESS**

The Department is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **ALTERNATIVES**

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in

carrying out the purpose for which these regulations are proposed, or would be as effective and less burdensome to affected private persons than the proposed regulations.

#### AUTHORITY AND REFERENCE

Notice is hereby given that the Department of Food and Agriculture, pursuant to the authority vested by Sections 407 and 42682 of the Food and Agricultural Code, and to implement, interpret, and make specific Section 42941 of the Food and Agricultural Code, proposes to amend regulations in Title 3 of the California Code of Regulations.

#### CONTACT

Inquiries concerning the proposed administrative action may be directed to Sonja Dame or Robert A. Cummings. Inquiries pertaining to the substance of the proposed regulation may be directed to Robert A. Cummings. The contact persons may be reached at the Department of Food and Agriculture, Fruit, Vegetable, and Egg Quality Control Branch, 1220 N Street, Room A-447, Sacramento, CA 95814, (916) 654-0919, fax (916) 654-0666. Written comments may also be submitted via e-mail at sdame@cdfa.ca.gov.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

A complete copy of existing regulations, the proposed changes, and the Initial Statement of Reasons may be obtained on request from the Department of Food and Agriculture. These documents are available on our website at [www.cdfa.ca.gov/cdfa/regs](http://www.cdfa.ca.gov/cdfa/regs).

In addition, all information, including reports, documentation, and other materials (rulemaking file) related to the proposed action is available upon request from the agency contact persons named in the notice. The Final Statement of Reasons, when available, may also be obtained from the agency contact persons named in the notice. The text of the proposed regulations with any sufficiently related changes clearly indicated will be made available for 15 days prior to adoption.

### TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

#### STOCKING STANDARDS—2002

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Board proposes to amend the following section of Title 14 of the California Code of Regulations (14 CCR):

- § 895.1 Definitions
- § 912.7(932.7, 952.7) Resource Conservation Standards for Minimum Stocking
- § 913.1(933.1, 953.1) Regeneration Methods Used in Evenaged Management
- § 913.2(933.2, 953.2) Regeneration Methods Used in Unevenaged

#### PUBLIC HEARING

The Board will hold a public hearing starting at 11:00 A.M., on Tuesday August 6, 2002, at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

#### WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Monday, August 5, 2002. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection  
Attn: James L. Mote  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:



Board of Forestry and Fire Protection  
Room 1506-14  
1416 9th Street  
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

#### AUTHORITY AND REFERENCE

Public Resources Code (PRC) § 4551, 4551.5, and 4553 authorizes the Board to adopt such rules and regulations as it determines are reasonably necessary to enable it to implement, interpret or make specific section 4512 and 4513 of the Public Resources Code which directs the Board to provide wildlife protection.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing regulation [14CCR§ 897(b)(1)(B)] requires that forest management maintain functional wildlife habitat in sufficient condition for continued use by the existing wildlife community within the planning watershed. Existing regulation [14CCR §§ 919(939, 959)] requires that timber operations shall be planned and conducted to maintain suitable habitat for wildlife species. Existing regulation [14CCR §§ 919.1{(939.1, 959.1)}] requires that with some exceptions all snags shall be retained within the logging area to provide wildlife habitat. Existing regulation {14CCR §§ 913.1(c)[933.1(c), 953.1(c)] and §§ 913.2(933.2, 953.2)} requires that eight 18 inch diameter breast height (dbh) trees or four 24 inch dbh trees be retained for seed purposes. Existing regulation {14CCR §§ 913.1(d)[913.1(d), 953.1(d)] requires that sixteen 18 inch diameter breast height (dbh) trees or eight 24 inch dbh trees be retained for seed and shelter purposes.

Although current regulation requires the retention of snags and decadent trees, the purpose of this regulation is to encourage the retention of large trees, large snags, and large decadent trees in the environment to provide much needed habitat for wildlife. It further is designed to provide an incentive for the timberland owner to retain those forest elements rather than just require their retention. The regulation does this by allowing the stocking requirement above a certain minimum to be met partially with large snags, and large decadent trees of value to wildlife.

Further changing requirements for seed tree retention from a specific number of 18 inch dbh or 24 inch dbh trees to a basal area requirement of trees greater

than 18 inches dbh encourages the timberland to retain trees even greater than 24 inches dbh as basal area per tree increases with increasing tree dbh.

#### § 895.1 Definitions

Provides a definition of a decadent tree that is of value to wildlife which is needed to provide clarity in this regulation.

#### § 912.7(932.7, 952.7) Resource Conservation Standards for Minimum Stocking

Allow credit in terms of basal area toward stocking requirements above the minimum stocking defined in this section. Snags and decadent trees can be used to partially meet stocking where more than the minimum stocking of this section is required after harvest.

#### § 913.1(933.1, 953.1) Regeneration Methods Used in Evenaged Management

This section redefines seed tree retention standards from numbers of trees retained per acre to basal area retained per acre. This encourages the timberland to retain trees even greater than 24 inches dbh as basal area per tree increases with increasing tree dbh.

#### § 913.2(933.2, 953.2) Regeneration Methods Used in Unevenaged

This section redefines seed tree retention standards from numbers of trees retained per acre to basal area retained per acre. This encourages the timberland to retain trees even greater than 24 inches dbh as basal area per tree increases with increasing tree dbh.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- Significant statewide adverse economic impact on business, including the ability of California businesses to compete with businesses in other states: The Board has made an initial determination that there will be no significant statewide adverse economic impact directly effecting business, including the ability of California businesses to compete with businesses in other states.

- Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Effect on small business: None. The Board has determined that the proposed amendments will have no effect small business because the use of snags and decadent trees of value to wildlife is at the landowners option. Further changing the requirements for seed tree retention from a specific number of 18 inch dbh or 24 inch dbh trees to a basal area requirement of trees greater than 18 inches dbh has no economic effect because the basal area requirement will be met if eight 18 inch dbh or four 24 inch dbh trees are retained.
- The proposed rules do not conflict with, or duplicate Federal regulations.

#### BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection  
Attn: James L. Mote  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460  
Telephone: (916) 653-9418 or,  
(916) 653-8007

The designated backup person in the event Mr. Mote is not available is Daniel Sendek, Executive Officer of the Board of Forestry and Fire Protection, at the above address and phone.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKE-THROUGH~~ to indicate a deletion is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the CDF web site at:

[http://www.fire.ca.gov/BOF/board/board\\_proposed\\_rule\\_packages.html](http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html)

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text-with the changes clearly indicated-available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### TITLE 15. DEPARTMENT OF CORRECTIONS

**NOTICE IS HEREBY GIVEN** that the Director of the Department of Corrections (CDC), pursuant to rulemaking authority granted by Penal Code (PC)

Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to adopt section 3260.1 in the California Code of Regulations (CRC), Title 15, Division 3 relating to the Public Records Duplication Services.

**PUBLIC HEARING**

Date and Time: August 12, 2002, 9:00 AM to 10:00 AM

Place: Department of Water Resources  
Auditorium  
1416 Ninth Street  
Sacramento, CA 95814

Purpose: To receive comments about this action.

**PUBLIC COMMENT PERIOD**

The public comment period will close August 12, 2002 at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 322-3842; or by e-mail at [RPMB@executive.corr.ca.gov](mailto:RPMB@executive.corr.ca.gov) before the close of the comment period.

**CONTACT PERSON**

Please direct any inquiries regarding this action to:

**Rick Grenz, Chief**  
**Regulation and Policy Management Branch**  
**Department of Corrections**  
**P.O. Box 942883, Sacramento, CA 94283-0001**  
**Telephone (916) 322-9702**

In the event the contact person is unavailable, inquires should be directed to the following back-up person:

**C. K. Mraz**  
**Regulation Management Unit**  
**Telephone (916) 322-9702**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Bob Martinez**  
**Communications**  
**Telephone (916) 445-4950**

**LOCAL MANDATES**

This action imposes no mandates on local agencies or school districts, or a mandate, which requires reimbursement pursuant to Government Code Section 17561.

**FISCAL IMPACT STATEMENT**

- Cost or savings to any state agency: *None*

- Other non-discretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

**EFFECT ON HOUSING COSTS**

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

**COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS**

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**EFFECT ON SMALL BUSINESSES**

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business, because they are not affected by the internal management of state prisons.

**ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION**

The Department has determined that the proposed regulation will have no affect on the creation of new or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

**CONSIDERATION OF ALTERNATIVES**

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

**AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS**

The Department has prepared and will make available the text and the Initial Statement of Reasons of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal



is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, Initial Statement of Reasons, and the Notice of Proposed Action will also be made available on the Department's website <http://www.cdc.state.ca.us>.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the final statement of reasons may be obtained from the Department's contact person.

#### AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of inmates.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

The California Government Code (GC) Section 6250 et seq. establishes the California Public Records Act (PRA) and states that the "access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." GC Section 6253(b) recognizes that the Department ". . . shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable." The proposed regulation adopting CCR, Title 15, Section 3260.1 will bring the Department into compliance with the California PRA.

These regulations will allow the Department to charge a requestor a fee of 12 cents per page plus postage to duplicate and mail a public record as defined in the California PRA. Identifying the specific costs involved with the duplication and mailing of public records requests will allow for departmentwide

standardization of this process to ensure that all members of the public have equal access to public records as defined in GC Section 6250 et seq. The CDC has determined the actual cost of duplication to be \$.115 (rounded up to \$.12) per page.

This determination was made based on a study completed by the CDC entitled "Copying charges under the Public Records Act," dated July 28, 2000. The CDC has determined the actual cost of duplication by adding the calculations based on CDC's headquarters administration, which includes actual equipment costs, paper costs, and personnel costs which are as follows:

|                        |                              |
|------------------------|------------------------------|
| Equipment cost         | \$.019                       |
| Paper cost             | \$.005                       |
| Personnel cost         | \$.091                       |
| Actual cost of copying | \$.115 (rounded up to \$.12) |

Based on this information the CDC has determined that the direct cost of duplication to provide one copy of a requested public record is \$.12 per page plus postage.

### TITLE 16. BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) proposes to adopt the regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

The Board will hold a public hearing on August 6, 2002, beginning at 1:00 p.m., at the Respiratory Care Board, Conference Room, 444 North Third Street, Suite 270, Sacramento, California, 95814. The conference room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed action to the Board, addressed to Jeff Hanson, 444 North Third Street, Suite 410, Sacramento, California, 95814, no later than 5:00 p.m. on August 6, 2002, or may be submitted at the hearing. Written comments may also be sent to Jeff Hanson via electronic mail at [Jeff\\_Hanson@dca.ca.gov](mailto:Jeff_Hanson@dca.ca.gov) or faxed to (916) 445-6167.

### **CONTACT PERSONS**

Inquiries including questions regarding the substance of the proposed regulatory action may be directed to Jeff Hanson, 444 North Third Street, Suite 410, Sacramento, California, 95814, (916) 324-4353, FAX (916) 445-6167, or email [Jeff\\_Hanson@dca.ca.gov](mailto:Jeff_Hanson@dca.ca.gov). The back up person is Gretchen Kjose, (916) 322-3394 or email [Gretchen\\_Kjose@dca.ca.gov](mailto:Gretchen_Kjose@dca.ca.gov).

### **AUTHORITY AND REFERENCE**

Pursuant to the authority vested by section 2570.20, of the Business and Professions Code, and to implement, interpret or make specific section 2570.20 of the Business and Professions Code, the Board is considering adding to Division 39, Title 16, of the California Code of Regulations as follows:

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

On January 1, 2001, Senate Bill 1046 (Murray, Chapter 697, Statutes of 2000) took effect, establishing the Board whose duties are to license occupational therapists, certify occupational therapy assistants and regulate the occupational therapy profession. The proposed regulation serves to establish, promote and maintain principles and standards within the occupational therapy profession. Violations of the proposed regulation would constitute grounds for disciplinary action being taken against an individual holding a license, certificate, or permit, under this chapter, thereby protecting consumers from unethical practices.

Section 4170: The proposed regulation would identify ethical standards of practice and make violations of those standards grounds for disciplinary action.

### **DISCLOSURES REGARDING THE PROPOSED ACTION**

The Board has made the following initial determinations:

- Mandate on local agencies or school districts: None
- Costs or savings to any state agency: None
- Costs to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None
- Other non-discretionary costs or savings imposed on local agencies: None
- Costs or savings in federal funding to the state: None
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

- Cost impact on a representative private person or business: A license, certificate, or permit holder who violates the proposed regulation may subject himself or herself to a citation and fine or other disciplinary action including, revocation or suspension of his or her authorization to practice occupational therapy in this State.
- Adoption of this regulation would not: (1) create or eliminate jobs in California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently operating in California.
- The proposed regulation does not mandate the use of specific technologies or equipment.
- Significant effect on housing costs: None

### **EFFECT ON SMALL BUSINESS**

The Board has determined that the proposed regulatory action will not have an adverse impact on small businesses because the regulation does not directly regulate small businesses, does not require reports or any other compliance activities.

### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternatives it considered or that have otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or as effective and less burdensome on affected private persons than the proposal described in this Notice.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the Board adopts the regulation as revised. Any such modifications will be posted to the Board's web site. Please send requests for copies of any modified regulation to the attention of Jeff Hanson at the address indicated above. The Board will accept written comments on any modified regulation for 15 days after the date on which they are made available.

INITIAL STATEMENT OF REASONS  
AND TEXT OF THE PROPOSED  
REGULATIONS/INTERNET ACCESS

An Initial Statement of Reasons and the text of the proposed regulation has been prepared and is available from the contact person named in this notice. The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at the address listed above. As of the date this notice is published in the CRCN, the rulemaking file consists of this notice, the initial statement of reasons and the proposed text of the regulation. In addition, the above-cited materials may be accessed through the Board's web site at [www.bot.ca.gov](http://www.bot.ca.gov).

AVAILABILITY AND LOCATION OF  
THE FINAL STATEMENT OF REASONS  
AND RULEMAKING FILE

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the web site listed above.

**TITLE 16. BUREAU OF  
AUTOMOTIVE REPAIR**

**NOTICE IS HEREBY GIVEN** that the Department of Consumer Affairs/Bureau of Automotive Repair (hereinafter "Bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at hearings to be held at the following locations on the following dates:

**Southern California**

**Wednesday, August 7, 2002  
10:00 a.m.**

Bureau of Automotive Repair  
1180 Durfee Avenue, Suite 120  
Conference/Training Room  
South El Monte, CA 91733

**Northern California**

**Friday, August 9, 2002  
10:00 a.m.**

Department of Consumer Affairs  
300 R Street, Suite 1030  
First Floor Hearing Room  
Sacramento, CA 95914

**Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on Friday, August 9, 2002, or must be received by the Bureau at the above referenced hearings. The Bureau, upon its own motion or at the instance of any**

interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by Section 9882 of the Business and Professions Code and Sections 44001.5, 44002, 44012, 44013, 44014.2 and 44014.5 of the Health and Safety Code; and to implement, interpret or make specific Sections 9884.8 and 9884.9, Business and Professions Code and Sections 44003, 44010, 44010.5, 44012, 44014, 44014.2, 44014.5, 44014.7, 44015, 44017, 44017.1, 44033, 44036, and 44037.1 of the Health and Safety Code; the Bureau is proposing to adopt the following changes to Articles 5.5 and 10 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations:

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

The Bureau of Automotive Repair (BAR), located within the Department of Consumer Affairs, is the state agency charged with the administration and implementation of the Smog Check Program (Program). The Program is designed to reduce emissions from mobile sources such as passenger vehicles and trucks by requiring that these vehicles meet specific in-use emissions standards as verified by periodic inspections. To ensure uniform and consistent vehicle testing, the BAR licenses smog check stations and technicians and certifies inspection equipment.

Mobile source emissions reductions are achieved when high emitting vehicles are identified and then repaired. If high emitting vehicles are not identified and repaired, the effectiveness of the Program is greatly diminished.

**Background**

Chapter 1088, Statutes of 1996 (Assembly Bill 2515, Bowler) authorized the BAR to conduct a pilot program that would allow specially designated Gold Shield Guaranteed Repair (GSGR) stations to certify gross polluting vehicles. Motorists were given the option to have their gross polluting vehicles certified by a contracted Test-Only Center or at a newly established Gross Polluter Certification (GPC) station. (H&S Code § 44014.5)



In June 1997, BAR requested approval from the United States Environmental Protection Agency (USEPA) to operate a Gross Polluter Certification Pilot for one year. The original intent of the pilot project was to compare the performance of GPC stations with Test-Only stations.

The GPC Pilot began operation on December 1, 1997. The BAR entered into a written agreement with 100 GSGR stations and assigned them the designation of GPC authorizing those stations to certify vehicles labeled as gross polluters (GP). (H&S Code § 44014.5)

The BAR licensed a large number of enhanced program area Test-Only stations to comply with the state requirement that 15% of the enhanced program area fleet be tested at Test-Only stations. Test-Only stations were also given the ability to certify GP vehicles. (H&S Code § 44014.5)

In January 1998, the BAR added 14 additional GSGR stations to the GPC Pilot providing increased consumer convenience in basic program areas.

On June 8, 1998, the BAR implemented BAR-97 Loaded Mode Testing in the enhanced areas of the state. Enhanced area vehicles were restricted from receiving Smog Check inspections in the basic and change of ownership areas by the use of the vehicle's Department of Motor Vehicles (DMV) registered zip code. This created restrictions for basic and change of ownership area new and used car dealers attempting to certify vehicles that migrated to their area as trade-in vehicles or outright purchases from enhanced area dealers and auto auctions.

On June 16, 1998, the BAR authorized basic and change of ownership program area new car dealerships, who requested a GSGR certification, the ability to certify enhanced area vehicles for new and used car dealers. The BAR designated the GSGR new car dealers as Gold Shield Dealers (GSD). In addition, Gold Shield Change of Ownership stations (GCO), and basic area GPC stations were given the ability to certify enhanced area vehicles for new and used car dealerships.

In July 1998, the state legislature directed the BAR to expand the GPC Pilot to 395 stations statewide including 137 in basic program areas.

The BAR's Consumer Assistance Program (CAP) authorized GPC stations, who elected to participate, to perform state subsidized repairs on vehicles owned by low income consumers. Chapter 67, Statutes of 1999 (Assembly Bill 1105, Jackson) added Test-Only directed vehicles that fail their first test at a Test-Only station, into the CAP to obtain state subsidized repairs. (H&S Code § 44062.1(b))

In June 2000, BAR offered CAP participation to all GSGR stations that met the following selection criteria:

- The station must possess and maintain a valid Gold Shield Guaranteed Repair (GSGR) certification.
- The station's failure rate for initial tests on pre-1990, non-directed vehicles must be at least 75% of the Test-Only station failure rate for the same group of vehicles in the same geographic area.
- The station must conduct one (1) repair for every four (4) initial test failures and never have less than eight (8) repairs per quarter.
- The station cannot have received any citations over the previous one- (1) year period.
- The station must not have any formal disciplinary actions (Administrative, Criminal, or Civil) filed against them within the previous Three (5) year period, nor can they be serving a probationary period as a result of any of these actions.
- The station cannot have engaged in any conduct, which would be cause for discipline of the station's Automotive Repair Dealer (ARD) registration or Smog Check station license.
- The station must pass a BAR-administered Quality Assurance (QA) inspection.

On July 1, 2000, letters were sent to 627 GSGR stations inviting them to participate in CAP. The addition of GSGR stations to the CAP program brought the number of CAP stations to approximately 180 stations over the following year.

### Program Improvements

In July of 2000, the California Air Resources Board (ARB) released a report on the effectiveness of the Program. ARB's report indicates that while the current Program is reducing a significant amount of motor vehicle emissions, improvements to the Program must be made if California is to meet federal air quality standards. For example, California's 1995 State Implementation Plan—the blueprint submitted to the United States Environmental Protection Agency that explains how the state will achieve compliance—claimed an emissions reduction of 112 tons per day (tpd) for the Program. ARB's report found that the emissions reductions associated with the Program are closer to 65 tpd, indicating that improvements are needed.

In a joint letter to the USEPA explaining how the shortfall could be eliminated, the Bureau and ARB asserted that near-term improvements to the Smog Check Program would result in a statewide emission reduction of almost 14 tpd by 2002. By 2005, the benefit increases to almost 22 tpd, and in 2008, the benefit reaches its maximum projected value of 24.1 tpd.

The proposed improvements include: more stringent emission cutpoints, loaded-mode testing for heavy-duty trucks, a remote sensing component, improved



evaporative testing, and more vehicles directed to test-only or high-performing test-and-repair stations. Of course, long-term changes to the Program are also necessary, but such changes are outside the scope of these proposed regulations.

From many perspectives, achieving compliance with the federal air quality standards is vitally important to California. The federal government may withhold highway trust funds or impose other sanctions on the state, including the implementation of a federally designed Smog Check Program. Noncompliance has already triggered a third-party lawsuit against local metropolitan planning agencies, which rely on the emission reductions of the Program to acquire approval and funding for local transportation improvement projects.

In an effort to simplify the Smog Check Program and provide Test-Only directed consumers the opportunity to obtain vehicle repairs and Smog Check certification at a single location, BAR held four Gold Shield workshops in August of 2001. BAR invited Smog Check station owners, technicians, and interested parties to attend and provide input regarding proposed changes to the Gold Shield Program.

During the Gold Shield workshops, BAR staff indicated that current law (Health and Safety Code section 44014.2) directs BAR to do the following: "The department shall develop a program, which may be called a Gold Shield program, for the purpose of providing customers, whose vehicles fail an emissions test at a test-only facility, an option of services at a single location to prevent the necessity of additional trips back to the test-only facility for vehicle certification."

In addition, § 44014.5 indicates that vehicles failing their Smog Check Inspection as gross polluters shall be referred to a test-only facility, or a Gold Shield test-and-repair station.

BAR's new Gold Shield program provides consumers an option of services at a single location—both for failed test-only directed vehicles (BAR-97 Emission Inspection System equipped stations only) and vehicles that fail the Smog Check inspection at gross polluter levels.

On October 1, 2001, BAR implemented a Gold Shield Pilot Program. The Gold Shield Pilot will allow BAR to test eligibility and other program criteria to be used in identifying higher performing test-and-repair stations prior to establishing the criteria in regulation. BAR began implementation of the new Gold Shield Pilot by sending out a Memorandum of Agreement (MOA) to all existing CAP stations enabling them to certify test-only directed vehicles after the station performed emission repairs.

The Gold Shield Pilot was opened to all stations operating under a valid contract with BAR to perform repair assistance services under the CAP. Through CAP, BAR offers up to \$500 in financial assistance to motorists whose vehicles require emissions-related repairs. Section 44062.1(b) of the Health and Safety Code requires BAR to make repair assistance available to the owners of vehicles required to have a Smog Check inspection at a test-only station. Further, Health and Safety Code Section 44014.2 requires BAR to establish a program that allows Gold Shield stations to re-inspect and certify failed vehicles that were initially directed to a Test-Only station. As a result, failed Test-Only directed vehicles qualify for repair assistance and can be certified by a Gold Shield station. This statutory link between repair assistance and Gold Shield for Test-Only directed vehicles has resulted in the BAR offering Gold Shield certification during the new pilot program only to those Smog Check Test-and-Repair stations that also offer repair assistance under CAP. BAR feels the majority of Test-Only directed vehicles failing the Smog Check inspection will seek repair assistance if they know that they can also get their vehicles certified by the CAP stations doing the repairs.

Gold Shield stations participating in the Pilot provide the following services:

**Enhanced Area CAP Stations**—Can certify Gross Polluters and Test-Only (T/O) directed vehicles that have failed an initial inspection at a T/O facility and have been repaired at their station.

**Basic Area CAP stations with BAR-97 (Full BAR-97 EIS with Dynamometer)**—Can certify Gross Polluters and Test-Only (T/O) directed vehicles that have failed an initial inspection at a T/O facility and have been repaired at their station. In addition, CAP stations can certify Enhanced Area vehicles for Basic Area new and used car dealers.

**Basic Area Cap stations with BAR-90**—Can certify Gross Polluters and Enhanced Area vehicles for Basic Area new and used car dealers.

The intent of the Gold Shield Guaranteed Repair (GSGR) Program was to provide consumers whose vehicles were directed to Test-Only stations (stations that perform Smog Check inspections but are not allowed to perform repairs) with stations that would perform emission related repairs and offer a 10 day or 1000 mile guarantee that the vehicle would pass the Smog Check inspection when re-tested at a Test-Only station.

The GPC Pilot Project was established to evaluate the performance of selected GSGR stations that were allowed to certify those vehicles failing a Smog Check inspection at twice the emission standards and were

labeled "Gross Polluters." The original Pilot Project was established in December 1997, and was intended to operate for one year.

This proposed regulatory action, by revising Section 3340.1 and Sections 3392.1–3392, makes the following changes to the Smog Check Program:

1. Establishes a program, which will be called the "Gold Shield" program, to provide for the voluntary certification of licensed test-and-repair Smog Check stations that shall provide consumers, whose vehicles fail an emissions test at a Test-Only facility, an option of services at a single location to prevent the necessity of for additional trips back to the Test-Only facility for vehicle certification.
2. Establishes a program to provide for the voluntary certification of licensed Test-and-Repair Smog Check stations that shall provide consumers, whose vehicles fail the tailpipe portion of the emissions test within the gross polluter emission standards, an option of services at a single location to prevent the necessity of additional trips back to Test-Only facilities for vehicle certification.
3. Ends the various GSGR and GPC pilot programs.

The purpose of the Gold Shield program is to:

- Reduce the complexity of the Smog Check Program by allowing a certified group of Smog Check Test-and-Repair stations to offer consumers a wide array of inspection and repair services.
- Encourage consumer confidence in the required emissions inspections and repairs by the establishment of inspection and repair performance standards that stations must meet or exceed to receive and retain their certification as Gold Shield.
- Improve the inspection and repair performance of all Smog Check stations since the identification and proper repair of high emitting vehicles is fundamental to the improved effectiveness of the Smog Check Program.
- Help achieve the emissions reduction objectives established in the State Implementation Plan and help the Smog Check Program meet equivalency with federal regulatory standards.

### **Current Regulation**

Existing regulations in the California Code of Regulations, Title 16, Division 33, Chapter 1, Article 10, are summarized as follows:

1. Section 3340.1(q) defines the title "Gold Shield Guaranteed Repair (GSGR) Station" as a registered Automotive Repair Dealer who is also licensed as a Smog Check station, has been certified by the

department, and meets all the requirements of Article 10 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations.

2. Section 3340.1(r) defines "Re-inspection Rate" and "Ping-Pong Rate" as the number of gross polluting vehicles repaired and re-tested by a GSGR station and fail their reinspection at a Test-Only station, not including vehicles not receiving full repairs recommended by the GSGR station.
3. Section 3340.1(u) defines the title "Gold Shield Gross Polluter Certification (GPC) Station" to mean a licensed Smog Check station certified pursuant to Section 44014.2 of the Health and Safety Code and participating in the pilot program established pursuant to Section 44014.5(g)(2)(B).
4. Section 3392.1 provides that an applicant for certification as a GSGR station must file an application, and further establishes a list of eligibility requirements for certification, as specified.
5. Section 3392.2 establishes a list of causes for denial of a GSGR station application, as specified.
6. Section 3392.3 provides that a GSGR station shall comply with all statutes and regulations relating to its registration and licensure, and establishes a list of program performance standards for GSGR stations, as specified.
7. Section 3392.4 provides that a certified GSGR station shall prominently display its certification, a GSGR sign and a guarantee sign, as specified.
8. Section 3392.5 establishes a list of causes for withdrawal or cancellation of GSGR certification, as specified.
9. Section 3392.6 provides that the department shall file and serve a written notice when it denies or withdraws Gold Shield certification, and establishes the process and procedures for requesting and conducting hearings on denials and withdrawals, as specified.

### **Effect of Regulatory Action**

The proposed action will make the following changes to existing regulation:

1. Amend Section 3340.1 by changing the title defined in subsection (q) to "Gold Shield Station." This conforms to other changes made in the proposed action.
2. Amend Section 3340.1 by deleting subsections (r), which refers to a station's "Reinspection Rate" and "Ping-Pong rate," and adding a new subsection (r) which defines the term "Comparative Failure Rate." This conforms to other changes made in the proposed action.

3. Amend Section 3340.1 by deleting subsection (s), which refers to "Offline Certification," and adding a new subsection (s) defining the term "Non-directed Vehicle." This conforms to other changes made in the proposed action.
4. Amend Section 3340.1 by adding a new subsection (t), defining the term "Initial Test," renumbering the existing subsection (t) as subsection (u), and deleting the existing subsection (u) which refers to a "Gold Shield Gross Polluter Certification (GPC) station." This conforms to other changes made in the proposed action.
5. Amend Section 3392.1 by deleting the existing provisions relating to the "Gold Shield Guaranteed Repair (GSGR) Program" and replacing them with a basic description of and statement of purpose for, the new "Gold Shield Program (GSP)," as specified.
6. Amend Section 3392.2 by deleting the existing provisions relating to the "Causes for Denial of a GSGR Station Application" and replacing them with a description of the responsibilities of a certified Gold Shield station, as specified.
7. Amend Section 3392.3 by deleting the existing provisions relating to "Gold Shield Guaranteed Repair (GSGR) Program Performance Standards" and replacing them with a description of the eligibility requirements for certification as a Gold Shield station, as specified.
8. Repeal Section 3392.4 thereby deleting the existing provisions relating to "Gold Shield Guaranteed Repair (GSGR) Program Advertising Rights," and incorporate revised provisions for Gold Shield stations in Section 3392.2, as specified.
9. Amend Section 3392.5 by deleting the existing provisions relating to "Gold Shield Guaranteed Repair (GSGR) Station Withdrawal of Certification" and replacing them with the causes and procedures for invalidation of Gold Shield certification, as specified.
10. Amend Section 3392.6 by extending the time period for scheduling a hearing on the denial or invalidation of Gold Shield certification from 30 to 60 days, and making other conforming, editorial and grammatical changes, as specified.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to Any Local Agency or School district for Which Government code Section 17561 Requires Reimbursement: None.

#### Businesses Impact:

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: None.

#### Impact on Jobs/New Businesses:

The Bureau has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

#### Cost Impact on Representative Private Person or Business:

The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### Effect on Housing Costs: None.

#### Effect on Small Business:

The Bureau has determined that the proposed regulations would affect small businesses.

### CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

### INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau at 10240 Systems Parkway, Sacramento, California 95827.



AVAILABILITY AND LOCATION OF THE  
RULEMAKING FILE AND THE FINAL  
STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the Bureau of Automotive Repair at the address mentioned above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

James Allen, Regulations Analyst  
Bureau of Automotive Repair  
10240 Systems Parkway  
Sacramento, CA 95827  
Telephone: (916) 255-4300  
Fax No.: (916) 255-1369  
E-mail: jim\_allen@dca.ca.gov

The backup contact person is:

Debbie Romani, Staff Services Manager  
Bureau of Automotive Repair  
10240 Systems Parkway  
Sacramento, CA 95827  
Telephone: (916) 255-4300  
Fax No.: (916) 255-1369  
E-mail: debbie\_romani@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Dan Burnett, who may be contacted at (916) 255-3465.

WEBSITE ACCESS

Materials regarding this proposal can also be found on the Bureau's website at [www.smogcheck.ca.gov](http://www.smogcheck.ca.gov).

**TITLE 16. DENTAL BOARD  
OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Embassy Suites Hotel, 250 Gateway Blvd. South San Francisco, California 94080. The telephone number is (650) 589-3400. The hearing will be held at 1:30pm, on August 9, 2002.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on August 5, 2002, or must be received by

the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 1758 of said Code, the Dental Board of California is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

Amend California Code of Regulations Section 1082.1

Business and Professions Code 1758 provides that applicants for licensure as Registered Dental Hygienists (RDH) must satisfactorily perform on an examination required by the Board.

This regulatory proposal would amend Section 1082.1 of the California Code of Regulations as follows:

Existing regulations do not contain any requirements regarding the conditions for using ultrasonic or sonic scaling devices during a registered dental hygienist examination. This proposal would add a requirement that an examinee that uses such a device during the examination must bring and use the services of a dental assistant or a registered dental assistant to perform high volume evacuation.

Existing regulations specify that an applicant may only use a patient during the examination who has one molar with a probing depth greater than 6 millimeters. This proposed change would allow the patient to have any one tooth with a probing depth greater than 6 millimeters, rather than the more restrictive limitation of one molar.

Existing regulations specify that if an examinee is unable to find a patient with one quadrant which meets the requirements of subsection (b)(6), the applicant may provide a patient in which those requirements may be found somewhere in two quadrants on the same side of the mouth rather than in one quadrant. Existing regulations also do not prohibit the administration of anesthesia to both



mandibular quadrants. This regulatory proposal would delete the limitation that the quadrants must be on the same side of the mouth, and prohibit the administration of anesthesia to both mandibular quadrants.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

#### BUSINESS IMPACT

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### IMPACT ON JOBS/NEW BUSINESSES

The Dental Board of California has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California

#### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Dental Board of California are from zero to \$150 for an applicant to hire an assistant to perform high-volume evacuation, if the applicant chooses to use an ultrasonic or sonic scaler.

Effect on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulations would not affect small businesses. The proposed regulatory language would impact applicants taking the Registered Dental Hygienist examination.

#### CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California at 1432 Howe Avenue, Suite 85, Sacramento, California, 95825

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

#### CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Errol Chisom  
Address: 1432 Howe Avenue, Suite 85  
Sacramento, CA. 95825  
Telephone No.: (916) 263-2300  
Fax No.: (916) 263-2140  
E-Mail Address: [errol\\_chisom@dca.ca.gov](mailto:errol_chisom@dca.ca.gov)

The backup contact person is:

Name: Karen Wyant  
Address: 1428 Howe Avenue, Suite 58  
Sacramento, CA. 95825  
Telephone No.: (916) 263-2595  
Fax No.: (916) 263-2709  
E-Mail Address: [karen\\_wyant@dca.ca.gov](mailto:karen_wyant@dca.ca.gov)

Inquiries concerning the substance of the proposed regulations may be directed to Errol Chisom at (916) 263-2300 ext. 2327

Website Materials regarding this proposal can be found at [www.dbc.ca.gov](http://www.dbc.ca.gov)

## TITLE 16. DENTAL BOARD OF CALIFORNIA

**NOTICE IS HEREBY GIVEN** that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Embassy Suites Hotel, 250 Gateway Blvd. South San Francisco, California. The telephone number is (650) 589-3400. The hearing will be held at 1:30pm, August 9, 2002.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its offices no later than 5:00pm on August 5, 2002, or must be received by the Dental Board of California at the hearing. The Dental Board of California upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 1614, 1724, and 1724.5 of the Business and Professions Code, and to implement, interpret or make specific Sections 1635.5, 1646.6, 1647.8, 1647.12, 1647.15, 1715, 1716.1, 1718.3, 1724 and 1724.5 of said Code, the Dental Board of California is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### Amend California Code of Regulations Section 1021

Assembly Bill 1428, Chapter 507, Statutes of 2001, authorizes the Dental Board of California to issue a license to a person who is currently licensed to practice dentistry in another state, and who satisfies specified requirements, without requiring that person to take the board examination. Business and Professions Code 1635.5 authorizes the Dental Board to charge fees for the issuance of a license under the Licensure by Credential legislation. This proposal would amend Title 16 California Code of Regulations Section 1021 to add such a fee.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs/Savings to State Agencies of Costs/Savings in Federal Funding to the State: None

Nondiscretionary Cost/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the amendment of this regulation would have no significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

The following types of businesses would be affected:

(A). Dental offices

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal will create the following types of jobs: new dental offices and/or employed dentists in California through the Licensure by Credential legislation.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Dental Board of California are \$2,000 which is the fee for application for licensure by credential.

Effect on Housing Costs: None

Effect on Small Business:

The Dental Board of California has determined that the proposed regulations would affect small businesses.

### CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

### INITIAL STATEMENT OF REASONS

The Dental Board of California has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California at 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the persons named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below.

### CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Errol G. Chisom  
Address: 1432 Howe Avenue, Suite 85  
Sacramento, CA. 95825  
Telephone No: (916) 263-2300 ext. 2327  
Fax No: (916) 263-2140  
E-mail address: [errol\\_chisom@dca.ca.gov](mailto:errol_chisom@dca.ca.gov)

The backup contact person is:

Name: Anita Dowty  
Address: 1432 Howe Avenue, Suite 85  
Sacramento, CA. 95825  
Telephone No: (916) 263-2300  
Fax No: (916) 263-2140  
E-mail address: [anita\\_dowty@dca.ca.gov](mailto:anita_dowty@dca.ca.gov)

Inquiries concerning the substance of the proposed regulation may be directed to Errol G. Chisom at (916) 263-2300 ext. 2327.

Website Access: Materials regarding this proposal can be found at [www.dbc.ca.gov](http://www.dbc.ca.gov).

## TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Embassy Suites Hotel, 250 Gateway Blvd. South San Francisco, California 94080. The telephone number is (650) 589-3400. The hearing will be held at 1:30pm, on August 9, 2002.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under

Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on August 5, 2002 or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 1645 of said Code, the Dental Board of California is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### Amend California Code of Regulations Section 1017

Business and Professions Code section 1645 specifies that licentiates shall complete the required continuing education hours as a condition of license renewal. The board may prescribe this mandatory coursework within the general areas of patient care, health and safety, and law and ethics.

Existing regulations require that every renewal cycle all dental health professionals, as a condition of renewal, complete four units of continuing education in infection control and three units in California law. This proposal would reduce the number of required continuing education units in these specific areas.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Dental Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

**EFFECT ON SMALL BUSINESS**

The Dental Board of California has determined that the proposed regulations would not affect small businesses. The proposed regulatory language would only reduce the number of continuing education units required for renewal of license.

**CONSIDERATION OF ALTERNATIVES**

The Dental Board of California must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California at 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

**AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS  
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **[or by accessing the website listed below]**.

**CONTACT PERSON**

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Errol Chisom  
Address: 1432 Howe Avenue, Suite 85  
Sacramento, CA. 95825  
Telephone No.: (916) 263-2300  
Fax No.: (916) 263-2410  
E-Mail Address: errol\_chisom@dca.ca.gov

The backup contact person is:

Name: Richard DeCuir  
Address: 1432 Howe Avenue, Suite 85  
Sacramento, CA. 95825  
Telephone No.: (916) 263-2300  
Fax No.: (916) 263-2140  
E-Mail Address: richard\_decuir@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Errol Chisom, (916) 263-2300 ext. 2327

Website Access Materials regarding this proposal can be found at [www.dbc.ca.gov](http://www.dbc.ca.gov)

**TITLE 18. FRANCHISE TAX BOARD**

As required by Government Code section 11346.4, this is notice of the intention to amend section 23334 in title 18 of the California Code of Regulations, which provides that in certain circumstances a corporation must obtain a tax clearance certificate from the Franchise Tax Board before the California Secretary of State will file any document that would dissolve, withdraw, or otherwise reduce or terminate the existence of a corporation. There will not be a public hearing unless one is requested by an interested person at least 15 days before the close of the written comment period. Any request for a public hearing should be submitted to the Regulation Coordinator specified herein.

**WRITTEN COMMENT PERIOD**

Written comments will be accepted until 5:00 p.m., August 5, 2002. All relevant matters presented will be considered before the proposed regulatory action is taken. Comments should be submitted to the Regulation Coordinator specified herein.

**AUTHORITY AND REFERENCE**

Revenue and Taxation Code section 19503 authorizes the Franchise Tax Board to prescribe regulations necessary for the enforcement of Part 10 (commencing with Revenue and Taxation Code section 17001), Part 10.2 (commencing with Revenue and Taxation



Code section 18401), Part 10.7 (commencing with Revenue and Taxation Code section 21001) and Part 11 (commencing with Revenue and Taxation Code section 23001). The proposed regulatory action interprets, implements, and makes specific Revenue and Taxation Code section 23334.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulatory action clarifies that a dissolving or withdrawing corporation continues to exist for state tax purposes until the corporation obtains a tax clearance certificate from the Franchise Tax Board, and files the tax clearance certificate with the California Secretary of State. The proposed regulatory action also clarifies that the Franchise Tax Board cannot issue a tax clearance certificate to a suspended or forfeited corporation. In addition, the proposed regulatory action clarifies the effect of recent legislative changes upon the tax clearance process, including a description of the legislative changes to the tax clearance process for corporate mergers.

#### DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed under Part 7, commencing with Government Code section 17500, of Division 4: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings in federal funding to the state: None.

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost to directly affected private persons/businesses potential: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on the creation or elimination of jobs in the state: None.

Significant effect on the creation of new businesses or elimination of existing businesses within the state: None.

Significant effect on the expansion of businesses currently doing business within the state: None.

Effect on small business: The effect on small business would be negligible. The proposed regulatory action clarifies that a dissolving, withdrawing and, in certain situations, merging corporation continues to exist for state tax purposes until the corporation obtains and files a valid tax clearance certificate. Any

effect on small business would be to their benefit, as the proposed regulatory action clarifies what steps need to be taken to obtain and file a tax clearance certificate to avoid additional taxes and penalties.

Significant effect on housing costs: None.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed regulatory action.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Franchise Tax Board has prepared an initial statement of the reasons for the proposed regulatory action. The express terms of the proposed regulatory action, the initial statement of the reasons for the regulatory action, and all the information upon which the proposed regulatory action is based are available upon request from the agency officer named below. When the final statement of reasons is available, it can be obtained by contacting the agency officer named below, or by accessing the Franchise Tax Board's website at <http://www.ftb.ca.gov>.

#### CHANGE OR MODIFICATION OF ACTIONS

The proposed regulatory action may be adopted after consideration of any comments received during the comment period.

The proposed regulatory action may also be adopted with modifications if the changes are nonsubstantive or the resulting regulation is sufficiently related to the text made available to the public so that the public was adequately placed on notice that the proposed regulatory action as modified could result from that originally proposed. The text of the proposed regulatory action as modified will be made available to the public at least 15 days prior to the date on which the proposed regulatory action is adopted. Requests for copies of any modifications to the proposed regulatory action specified in this notice should be sent to the attention of the Regulation Coordinator specified herein.

#### ADDITIONAL COMMENTS

If an oral public hearing is held, the hearing room will be accessible to persons with physical disabilities. Also, any person who is in need of a language interpreter, including sign language, should contact the

Regulation Coordinator specified herein at least two weeks prior to the hearing so that the services of an interpreter may be arranged.

#### CONTACT

All inquiries concerning this notice, including requests that an oral hearing be held, should be directed to the Regulation Coordinator for this proposed regulatory action, Colleen Berwick, at the Franchise Tax Board Legal Branch, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Tel.: (916) 845-3306; Fax: (916) 845-3648; E-Mail: [colleen.berwick@ftb.ca.gov](mailto:colleen.berwick@ftb.ca.gov), or the designated backup, Doug Powers; Tel.: (916) 845-4962, Fax: (916) 845-3648; E-Mail: [doug.powers@ftb.ca.gov](mailto:doug.powers@ftb.ca.gov). In addition, all questions on the substance of the proposed regulation can be directed to Carissa Lynch: Tel. (916) 845-7835. This notice, the initial statement of reasons and the express terms of the regulation are also available at the Franchise Tax Board's website at <http://www.ftb.ca.gov/>.

## TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

### Department Reference Number: R-00-03

**NOTICE IS HEREBY GIVEN** that the Department of Toxic Substances Control (DTSC) proposes to adopt article 1, chapter 45.5, division 4.5, title 22 of the California Code of Regulations. This chapter establishes the applicable criteria and procedures for DTSC to follow for the procurement of architectural and engineering (A&E) services related to response actions at hazardous substance sites and corrective actions at hazardous waste facilities.

#### PUBLIC HEARING AND WRITTEN COMMENT PERIOD

DTSC will hold a public hearing on the proposed regulations at 10:00 a.m. on **August 5, 2002**, in the Sierra Hearing Room, 2nd Floor, 1001 "I" Street, Sacramento, California, at which time any person may present statements or arguments orally or in writing, relevant to the proposed regulations. Please submit written comments to the contact person listed at the end of this notice. Written comments received by DTSC prior to 5:00 p.m. on **August 5, 2002** will be considered.

Representatives of DTSC will preside at the hearing. Persons who wish to speak are requested to register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 9:30 a.m. to 10:00 a.m. Registered persons will be heard in the order of their registration. Any other

person wishing to speak at the hearing will be afforded the opportunity after the registered persons have been heard.

#### AUTHORITY AND REFERENCE

These regulations are being proposed under the authority of the Government Code section 4526 and Health and Safety Code sections 25150 and 25351.5. The proposed regulations would implement, interpret, or make specific Government Code sections 4525, 4526, and 4527; Public Contract Code section 10105; and Health and Safety Code sections 25358.5 and 25358.6.1 relating to contracting for A&E services.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DTSC has been using contractors to investigate and conduct remediation activities at hazardous substance release and waste sites (including State orphan sites) for more than 14 years. DTSC historically bid these contracts as "consulting services contracts." There was a recent joint decision between DTSC and the Department of General Services' (DGS) Legal Office that these contracts will now be accomplished as A&E service contracts. In order for DTSC to engage the professional services of a private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firm, existing law (Gov. Code, sec. 4526) obligates a State agency to adopt regulations.

The proposed regulations would establish the applicable criteria and procedures for procurement, by DTSC, of A&E services related to response actions at hazardous substance sites and corrective actions at hazardous waste facilities. These regulations set forth the process for contracting site-specific A&E services. The process applies to projects that require A&E services in excess of \$1 million and requires the Director to advertise the proposed contract in the *State Contracts Register* or through electronic media maintained by appropriate professional and trade organizations.

The regulations authorize the Director to establish selection and ranking criteria based on a number of factors, including ability and reliability. The regulations also set out the additional steps in the contracting process, which include establishing a cost estimate for the work and the negotiation process. Exemptions from the process are provided for emergencies. The regulations also specify the amendment process and variations, including awarding contracts in phases to use the most qualified firms for different portions of the work.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

The proposed regulations establish administrative procedures for the A&E contractor selection process

and will not affect the quality, quantity, location, or prioritization of any cleanup work. Therefore, DTSC has determined that the proposed regulations are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, pursuant to the California Code of Regulations, title 14, section 15061, subsection (b)(3). A draft Notice of Exemption is available for review with the rulemaking file and will be filed with the State Clearinghouse when the regulations are adopted.

#### PEER REVIEW

Under the provisions of Health and Safety Code section 57004, peer review is not required because the proposed regulations do not establish a regulatory level, standard or other requirement subject to scientific peer review.

#### BUSINESS REPORT

DTSC has determined that this rulemaking will not require that businesses write a new report, as defined by Government Code section 11346.3, subsection (c).

#### FISCAL IMPACT ESTIMATES

**Mandates on Local Agencies and School Districts:** DTSC has made a preliminary determination that adoption of these regulations will create no new local mandates.

**Estimate of Potential Cost or Savings to Local Agencies Subject to Reimbursement:** DTSC has made a preliminary determination that adoption of these regulations will not impose a local mandate or result in costs subject to reimbursement pursuant to part 7 of division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or savings to local agencies.

**Cost or Savings to Any State Agency:** DTSC has made a preliminary determination that the proposed regulations will have no impact on State revenue or costs.

**Cost or Savings in Federal Funding to the State:** DTSC has made a preliminary determination that the proposed regulations will have no impact on Federal revenue or costs.

**Effect on Housing Costs:** DTSC has made an initial determination that there will be no impact on housing costs.

**Cost Impacts on Representative Private Persons or Businesses:** The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Significant Statewide Adverse Economic Impact on Businesses:** DTSC has made an initial determination that the proposed regulations will not have a

significant statewide adverse economic impact directly affecting businesses, including the ability to compete with businesses in other states.

#### Assessment Statement:

- (A) **Creation or elimination of jobs within California**—DTSC has made a preliminary determination that no jobs will be created or eliminated in California as a result of the proposed regulations.
- (B) **Creation of new businesses or the elimination of existing businesses within California**—DTSC has made a preliminary determination that no businesses will be created or eliminated in California as a result of the proposed regulations.
- (C) **Expansion of businesses currently doing business in California**—DTSC has made a preliminary determination that no businesses in California will be expanded as a result of the proposed regulations.

**Effect on Small Businesses:** DTSC has determined that provisions of this rulemaking may have an effect on small businesses.

#### CONSIDERATION OF ALTERNATIVES

DTSC has determined that no other reasonable alternative has been identified and brought to the attention of DTSC that would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. DTSC invites interested persons to present arguments, with respect to the various options, at the scheduled hearing, or during the written comment period.

#### AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

Copies of the Notice, Initial Statement of Reasons, and the text of the proposed regulations are posted to DTSC's Internet site at <http://www.dtsc.ca.gov> or may be obtained from Ms. Joan Ferber of DTSC's Environmental Analysis and Regulations Section as specified below. The information upon which DTSC relied is also available at the address listed below.

#### POST-HEARING CHANGES

After the close of the comment period, DTSC may adopt the proposed regulations. If substantial changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulations, attend the public hearing, or provide written comments on these specific regulations will be sent a copy of the modified text, if substantive changes are made.



Once regulations have been adopted, DTSC prepares a Final Statement of Reasons which updates the Initial Statement of Reasons, summarizes how DTSC addressed comments and includes other materials, as required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Ms. Joan Ferber at the address listed below. A copy of the Final Statement of Reasons will also be posted on DTSC's Internet site at <http://www.dtsc.ca.gov>, along with the date the rule-making is filed with the Secretary of State and the effective date of the regulations.

#### **CONTACT PERSONS**

Inquiries regarding technical aspects of the proposed regulations or CEQA documents may be directed to Kathleen Hartshorne of DTSC as (916) 323-3395 or, if unavailable, Laurie Grouard of DTSC at (916) 323-3394. However, such oral inquiries are not part of the rulemaking record.

Statements, arguments or contentions regarding rulemaking and/or supporting documents must be submitted in writing or may be presented orally or in writing at the public hearing in order for them to be considered by DTSC before it adopts, amends or repeals these regulations. To be included in this regulation package's mailing list, and to receive updates of this rulemaking, please leave a message on the DTSC mailing list phone line at (916) 324-9933 or e-mail: [regs@dtsc.ca.gov](mailto:regs@dtsc.ca.gov).

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

Ms. Joan Ferber  
Regulations Coordinator  
Environmental Analysis and Regulations Section  
Department of Toxic Substances Control  
Mailing Address: P.O. Box 806  
Sacramento, CA 95812-0806

E-mail Address: [regs@dtsc.ca.gov](mailto:regs@dtsc.ca.gov)

Fax Number: (916) 323-3215

Ms. Ferber's phone number is (916) 322-6409. If Ms. Ferber is unavailable, please call Ms. Nicole Sotak at (916) 327-4508 or Mr. James McRitchie at (916) 327-8642.

### **GENERAL PUBLIC INTEREST**

#### **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California

Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into the State contracts. The prospective contractors signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.  
DBA ASI Telesystems, Inc.  
21150 Califa Street  
Woodland Hills, CA 91367

Bay Recycling  
800 77th Avenue  
Oakland, CA 94621

C & C Disposal Service  
P. O. Box 234  
Rocklin, CA 95677

Choi Engineering Corp.  
286 Greenhouse  
Marketplace, Suite 329  
San Leandro, CA 94579

Fries Landscaping  
25421 Clough  
Escalon, CA 95320

Marinda Moving, Inc.  
8010 Betty Lou Drive  
Sacramento, CA 95828

MI-LOR Corporation  
P. O. Box 60  
Leominster, MA 01453

Peoples Ridesharing  
323 Fremont Street  
San Francisco, CA 94105

San Diego Physicians &  
Surgeons Hospital  
446 26th Street  
San Diego, CA

Southern CA Chemicals  
8851 Dice Road  
Santa Fe Springs, CA 90670

Tanemura and Antle Co.  
1400 Schilling Place  
Salinas, CA 93912

Turtle Building Maintenance Co.  
8132 Darien Circle  
Sacramento, CA 95828



Univ Research Foundation  
8422 La Jolla Shore Dr.  
La Jolla, CA 92037  
Vandergoot Equipment Co.  
P. O. Box 925  
Middletown, CA 95461

## DEPARTMENT OF JUSTICE

It has come to our attention that there was an error in the Notice of Proposed Rulemaking that was mailed out by this office on May 2, 2002 and published in the May 3, 2002 edition of the California Regulatory Notice Register.

In the section entitled "DISCLOSURES AND DETERMINATIONS REGARDING THE REGULATIONS," paragraph 4(c) states the incorrect fiscal year for the estimated fiscal impact. The correct statement is set out below, with the corrected information in bold.

c. The Department of Justice estimates that it will incur additional costs of \$348,000 for the **2001-2002** fiscal year. **The Department of Justice will be able to absorb these additional costs within its existing budgets and resources.** The Department of Justice will request an increase in the authorized budget level for the 2002-2003 fiscal year in the amount of 8.2 million. There are no other costs to any other state agency.

Inquiries concerning the proposed administrative action described in the notice may be directed to Ian K. Sweedler, Deputy Attorney General, in writing at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102, or by telephone at (415) 703-1055. If Mr. Sweedler is not available, inquiries may be directed to Esther Jackson, Deputy Attorney General, by telephone at (916) 445-9555. Inquiries concerning the substance of the proposed regulations may be directed to Mr. Sweedler, or if he is not available, Ms. Jackson.

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

## AIR RESOURCES BOARD

Air Toxics Hot Spots Fee Regulation FY 2001-2002

The proposed regulatory action is the California Air Resources Board's annual update of the Air Toxics "Hot Spots" Fee Regulation.

Title 17

California Code of Regulations

AMEND: 90700, 90701, 90702, 90703, 90704, 90705 & to the tables in Section 90705

Filed 06/10/02

Effective 07/10/02

Agency Contact: Noreen Skelly (916) 322-2884

## BOARD OF ACCOUNTANCY

Safe Harbor, Licensing Requirements, Client Notification

This regulatory action creates a "safe harbor" for non-licensed person to prepare financial statements; and conforms licensing regulations to recent legislative changes.

Title 16

California Code of Regulations

ADOPT: 4, 9, 12, 12.5, 13, 14 AMEND: 6, 7, 9, 9.1, 10, 11.5, 37, 50

Filed 06/12/02

Effective 06/12/02

Agency Contact: Aronna Granick (916) 263-3788

## BOARD OF EDUCATION

High School Equivalency Certificate

This Certificate of Compliance implements changes in High School Equivalency (GED) passing scores. (Previous OAL file # 02-0117-01EE)

Title 5

California Code of Regulations

AMEND: 11530, 11531

Filed 06/11/02

Effective 06/11/02

Agency Contact: Pat McGinnis (916) 657-4669

## BOARD OF EQUALIZATION

Property Tax Local Roll

This rulemaking (1) updates the assessment regulations by revising outmoded paper record keeping requirements; (2) implements recent legislation regarding correcting records; (3) deletes outdated procedures not required by statute; (4) integrates related statutory requirements; and (5) moves a misplaced regulation section.

Title 18

California Code of Regulations

ADOPT: 255, 263, 264, 265 AMEND: 252, 254, 261, 304 REPEAL: 253, 256, 262

Filed 06/11/02

Effective 07/11/02

Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF EQUALIZATION**  
**Rural Investment Tax exemption**

The regulatory action deals with the rural investment tax exemption.

Title 18  
California Code of Regulations  
ADOPT: 1525.7  
Filed 06/07/02  
Effective 07/07/02  
Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF EQUALIZATION**  
**Technology Transfer Agreements**

The proposed regulatory action adopts provisions governing the application of sales and use tax to technology transfer agreements.

Title 18  
California Code of Regulations  
ADOPT: 1507  
Filed 06/06/02  
Effective 07/06/02  
Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF EQUALIZATION**  
**Liquefied Petroleum Gas**

This action interprets the exemption from sales and use tax for liquefied petroleum gas used in a qualified residence or in a qualified farming activity.

Title 18  
California Code of Regulations  
ADOPT: 1533  
Filed 06/07/02  
Effective 09/01/01  
Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF EQUALIZATION**  
**Farm Equipment and Machinery**

This regulatory action adopts the definition of "farm equipment and machinery" for the purposes of Revenue and Taxation Code section 6353.

Title 18  
California Code of Regulations  
AMEND: 1533.1  
Filed 06/07/02  
Effective 07/07/02  
Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF EQUALIZATION**  
**Motor Vehicle & Diesel Fuel Tax**

The Board of Equalization is amending the captioned sections providing reference citation changes.

Title 18  
California Code of Regulations  
AMEND: 1111, 1122, 1137, 1177, 1413, 1470; section 1470 withdrawn from the instant filing.

Filed 06/05/02  
Effective 06/05/02  
Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF EQUALIZATION**  
**Taxable Possessory Interests**

The proposed regulatory action would amend and delete provisions relating to the valuation of taxable possessory interests for property tax purposes. This action would: (1) combine the regulatory provisions relating to the valuation of taxable possessory interest in one unified rule; (2) implement the court's holding in *American Airlines, Inc. v. County of Los Angeles* (1976) Cal. App.3d 325, with respect to the determination of the appropriate "term of possession"; (3) provide that the term of possession for valuation purposes shall be the stated term of possession unless there is "clear and convincing" evidence that demonstrates otherwise; and (4) delete those portions of the rules that are no longer valid or that no longer represent good appraisal practice.

Title 18  
California Code of Regulations  
AMEND: 21 REPEAL: 23, 24, 25, 26  
Filed 06/11/02  
Effective 07/11/02  
Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF EQUALIZATION**  
**Motor Vehicle Fuel Tax and Diesel Fuel Tax**

In this regulatory action, the State Board of Equalization makes substantial revisions to its regulations relating to the motor vehicle fuel tax and a number of revisions to its regulations relating to the diesel fuel tax. Many of these revisions implement legislation enacted in 2000 and 2001 pertaining to these taxes.

Title 18  
California Code of Regulations  
ADOPT: 1123, 1124, 1161, 1178, 1435, 1436  
AMEND: 1101, 1105, 1120, 1132, 1134, 1420, 1422, 1430 REPEAL: 1103, 1104, 1106, 1107, 1108, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1131, 1133, 1151, 1152, 1153, 1154, 1155, 1171, 1172, 1173, 1174, 1175, 1176  
Filed 06/11/02  
Effective 07/11/02  
Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF GOVERNORS, CALIFORNIA**  
**COMMUNITY COLLEGES**  
**Definitions**

The Board of Governors, California Community Colleges, has amended the captioned sections, and filed the amendments with the Secretary of State on April 15, 2002, pursuant to the authority in Education Code section 70901.5.

Title 5  
California Code of Regulations  
AMEND: 59311,59328, 59342  
Filed 06/05/02  
Effective 07/05/02  
Agency Contact:  
Renee Brouillette (916) 322-4145

**DEPARTMENT OF FINANCIAL INSTITUTIONS**  
**Conflict of Interest Code**

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 10  
California Code of Regulations  
AMEND: 5.2001 and Appendix  
Filed 06/07/02  
Effective 07/07/02  
Agency Contact:  
Kenneth Sayre-Peterson (916) 322-1570

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Melon Fruit Fly Interior Quarantine**

This action would remove the quarantine area for melon fruit fly surrounding the El Monte/Rosemead areas of Los Angeles County.

Title 3  
California Code of Regulations  
AMEND: 3425(b)  
Filed 06/11/02  
Effective 07/11/02  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Mediterranean Fruit Fly Interior Quarantine**

This emergency rulemaking removes the Hyde Park area of Los Angeles County from the area under quarantine for Mediterranean fruit fly.

Title 3  
California Code of Regulations  
AMEND: 3406(b)  
Filed 06/10/02  
Effective 06/10/02  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF INSURANCE**  
**Organized Automobile Insurance Fraud Interdiction Program**

This rulemaking specifies the criteria for the calculation and payment of the annual assessment for the purposes of prosecuting organized automobile fraud cases.

Title 10  
California Code of Regulations  
AMEND: 2698.70, 2698.71 REPEAL: 01-1219-06 E  
Filed 06/06/02  
Effective 06/06/02  
Agency Contact:  
Wesley E. Kennedy (916) 854-5766

**DEPARTMENT OF PESTICIDE REGULATION**  
**Effectiveness Evaluation**

This action updates the presentation of standards for the disbursement to county pesticide use enforcement programs of the proceeds from the mill assessment on pesticides sold and revises the procedure for evaluating the effectiveness of county programs.

Title 3  
California Code of Regulations  
AMEND: 6391, 6393, 6394, 6395  
Filed 06/10/02  
Effective 07/01/02  
Agency Contact:  
Linda Irokawa-Otani (916) 445-3991

**DEPARTMENT OF PESTICIDE REGULATION**  
**Conflict of Interest Prohibition**

The Department of Pesticide Regulation is amending the captioned sections in order to bring them into compliance with changes made in Stats. 1984, Ch. 717, Stats. 1993, Ch. 620, and numerous editorial corrections.

Title 14  
California Code of Regulations  
AMEND: 1.1, 6159, 6170, 6170.5, 6171, 6179, 6184, 6185, 6200, 6206, 6222, 6243, 6254, 6255, 6262  
Filed 06/05/02  
Effective 06/05/02  
Agency Contact:  
Linda Irokawa-Otani (916) 445-3991

**DEPARTMENT OF WATER RESOURCES**  
**Revenue Requirement and Just and Reasonable Determination**

This emergency rulemaking action adopts the procedure for a determination of a revenue requirement and whether the revenue requirement is just and reasonable.

Title 23  
California Code of Regulations  
ADOPT: 510, 511, 512, 513, 514, 515, 516, 517  
Filed 06/07/02  
Effective 06/07/02  
Agency Contact: Gloria Bell (916) 574-1291

**DIVISION OF WORKERS COMPENSATION****Worker' Compensation—Medical-Legal Fees**

The Division of Workers Compensation is amending the captioned sections pertaining to the Medical Fee Schedule, Payment for Medical Treatment (Definitions), Medical-Legal Expenses and Comprehensive Medical Leave Evaluations (Definitions), and Reasonable Level of Fees for Medical-Legal Expenses, Follow-up, Supplemental and Comprehensive Medical-Legal Evaluations and Medical-Legal Testimony (schedule of fees). The changes were necessary due to those made by Stats. 1999, ch. 124, to Labor Code section 4603.2, and some miscellaneous editorial changes.

**Title 8**

California Code of Regulations

AMEND: 9791.1, 9792.5, 9793, 9795

Filed 06/12/02

Effective 07/12/02

Agency Contact: James Robbins (415) 703-4600

**EMERGENCY MEDICAL SERVICES AUTHORITY****Paramedic regulations**

The regulatory action deals with a fee for failing to submit an application for renewal within a specified time frame (section 100177) and disciplinary proceedings (sections 100178 and 100178.1).

**Title 22**

California Code of Regulations

ADOPT: 100178.1 AMEND: 100177, 100178

Filed 06/10/02

Effective 07/10/02

Agency Contact:

Nancy J. Steiner (916) 322-4336

**FAIR POLITICAL PRACTICES COMMISSION****Lobbyist Contributions**

The Fair Political Practices Commission is adopting section 18572 of title 2, California Code of Regulations, pertaining to lobbyist contributions and defining the making of a contribution.

**Title 2**

California Code of Regulations

ADOPT: 18572

Filed 06/06/02

Effective 07/06/02

Agency Contact: Scott Tocher (916) 322-5660

**FISH AND GAME COMMISSION****Incidental Take of Coho Salmon**

This filing is the certificate of compliance for the second readoption of an emergency filing which permits under specified conditions the incidental take of coho salmon during its candidacy period under the California Endangered Species Act.

**Title 14**

California Code of Regulations

ADOPT: 749.1

Filed 06/06/02

Effective 06/06/02

Agency Contact: John M. Duffy (916) 653-4899

**CCR CHANGES FILED WITH THE  
SECRETARY OF STATE  
WITHIN FEBRUARY 06, 2002  
TO JUNE 12, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

02/22/02 AMEND: 121, Appendix A

**Title 2**

06/06/02 ADOPT: 18572

05/28/02 ADOPT: 1896.300, 1896.310, 1896.320, 1896.330, 1896.340, 1896.350, 1896.360, 1896.370

05/22/02 AMEND: 571(a)(5)

05/13/02 AMEND: 18428

05/10/02 AMEND: 18351

05/09/02 AMEND: 20202, 20206, 20210, 20224, 20234, 20298, 20350, 20363, 20910  
REPEAL: 20106, 20205, 20213

05/02/02 ADOPT: 1859.104.1, 1859.104.2, 1859.104.3 AMEND: 1859.2, 1859.21, 1859.50, 1859.51, 1859.61, 1859.70, 1859.73.1, 1859.73.2, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.91, 1859.95, 1859.100, 1859.101, 1859.102,

05/02/02 AMEND: 2271

04/26/02 ADOPT: 18520 AMEND: 18521, 18523, 18523.1

04/19/02 ADOPT: 18537.1

04/10/02 ADOPT: 1859.74.4 AMEND: 1859.2, 1859.20, 1859.21, 1859.30, 1859.33, 1859.40, 1859.41, 1859.42, 1859.43, 1859.50, 1859.51, 1859.60, 1859.70, 1859.73.1, 1859.73.2, 1859.74.1, 1859.74.4, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.



04/04/02 ADOPT: 60, 60.1, 60.2, 60.3, 60.4, 60.5,  
60.6, 60.7, 60.8, 60.9, 60.10  
03/27/02 ADOPT: 59100  
03/19/02 ADOPT: 599.930  
03/18/02 AMEND: 599.502, 599.508  
03/15/02 ADOPT: 1859.200, 1859.201, 1859.202,  
1859.203, 1859.204, 1859.205, 1859.206,  
1859.207, 1859.208, 1859.209, 1859.210,  
1859.211, 1859.212, 1859.213, 1859.214,  
1859.215, 1859.216, 1859.217, 1859.218,  
1859.219, 1859.220  
03/13/02 AMEND: 56800  
03/07/02 ADOPT: 2351  
02/19/02 ADOPT: 18450.11  
02/19/02 ADOPT: 18543 REPEAL: 18543  
02/19/02 ADOPT: 18530.8  
02/14/02 ADOPT: 18404.1 REPEAL: 18404.2

**Title 3**

06/11/02 AMEND: 3425(b)  
06/10/02 AMEND: 6391, 6393, 6394, 6395  
06/10/02 AMEND: 3406(b)  
06/04/02 AMEND: 3591.16(a)  
05/29/02 AMEND: 1380.19, 1436.38, 1446.7,  
1454.14, 1462.15  
05/16/02 AMEND: 1428.12, 1428.16  
05/02/02 AMEND: 3700(a), (b), & (c)  
04/23/02 AMEND: 3591.12(a)  
04/23/02 ADOPT: 899.2 AMEND: 899.1  
04/18/02 AMEND: 6510, 6793  
04/12/02 AMEND: 3423(b)  
04/11/02 ADOPT: 3664, 3665, 3666, 3667, 3668,  
3669  
04/08/02 AMEND: 6450.2, 6450.3, 6784  
04/04/02 AMEND: 3033.2, 3033.3, 3033.4  
04/02/02 ADOPT: 480.9 AMEND: 480.7  
03/12/02 AMEND: 3423(b)  
03/12/02 AMEND: 3423(b)  
03/08/02 ADOPT: 306, 6188, 6780 AMEND: 6000  
02/22/02 AMEND: Div. 1, Chapter 1.1, Section 2  
and Appendix  
02/20/02 AMEND: 3591.16(a)  
02/07/02 AMEND: 3591.12 (a)

**Title 4**

05/13/02 ADOPT: 8110, 8111, 8112, 8113, 8114,  
8115, 8116, 8117, 8118, 8119, 8120,  
8121, 8122, 8123, 8124, 8125  
05/07/02 ADOPT: 3005, 3006, 3007, 3008, 3009,  
3010 AMEND: 1928  
04/16/02 AMEND: 1405, 1527  
03/21/02 ADOPT: 8090, 8091, 8092, 8093, 8094,  
8095, 8096, 8097, 8098, 8099, 8100,  
8101  
03/19/02 ADOPT: 12100, 12102, 12104, 12106,  
12108, 12120, 12130  
02/13/02 AMEND: 1691  
02/06/02 AMEND: 1858

**Title 5**

06/11/02 AMEND: 11530, 11531  
06/05/02 AMEND: 59311, 59328, 59342  
05/21/02 AMEND: 80026.4, 80026.6, 80122  
05/08/02 ADOPT: 80434 AMEND: 80001  
03/25/02 ADOPT: 11980, 11981, 11982, 11983,  
11984, 11985, 11986  
03/20/02 AMEND: 50500  
03/20/02 AMEND: 59300, 59302, 59303, 59304,  
59305, 59306, 59310, 59311, 59320,  
59322, 59324, 59326, 59327, 59328,  
59329, 59330, 59333, 59334, 59336,  
59338, 59339, 59340, 59342, 59350,  
59351, 59352, 59354, 59358, 59360,  
59362  
03/15/02 ADOPT: 11963, 11963.1, 11963.2,  
11963.3, 11963.4  
03/12/02 ADOPT: 18400, 18405, 18406, 18407,  
18408, 18409, 18409.5, 18410, 18411,  
18412, 18413, 18414, 18415, 18416,  
18417, 18418, 18419, 18420, 18421,  
18422, 18423, 18424, 18425, 18426,  
18427, 18428, 18429, 18430, 18431,  
18432, 18433, AMEND: 18409.5,  
18409(e),  
03/01/02 ADOPT: 11967.5, 11967.5.1  
02/20/02 AMEND: 41906.5  
02/19/02 ADOPT: 55753.5, 55753.7 AMEND:  
55753  
02/08/02 AMEND: 40407.1  
02/08/02 AMEND: 42350.6  
02/08/02 ADOPT: 43095 REPEAL: 43101

**Title 7**

04/04/02 ADOPT: 237

**Title 8**

06/12/02 AMEND: 9791.1, 9792.5, 9793, 9795  
06/03/02 AMEND: 5034(f)  
06/03/02 AMEND: 4885  
05/28/02 AMEND: 3650, 3664  
05/20/02 AMEND: 32125, 32130, 32140, 32603,  
32604, 32720, 32735, 32738, 32739,  
32744, 32752, 32763, 32980  
05/07/02 ADOPT: 11080, 11090, 11100, 11110,  
11120, 11130, 11150 REPEAL: 11080,  
11090, 11100, 11130, 11130, 11150  
05/06/02 AMEND: 3089  
05/02/02 AMEND: 100, 106, 107  
05/01/02 ADOPT: 1716.2 AMEND: 1632, 1635,  
1671, 1709, 1710  
05/01/02 ADOPT: 11140 AMEND: 11140  
04/22/02 AMEND: 2320.2  
04/03/02 AMEND: 1626  
03/28/02 ADOPT: 341.15  
03/05/02 AMEND: 3251

02/22/02 ADOPT: 11010, 11020, 11030, 11040,  
11050, 11060, 11070, 11080 REPEAL:  
11010, 11020, 11020, 11040, 11050,  
11060, 11070, 11080  
02/14/02 AMEND: 17  
02/08/02 AMEND: 3641, 3648

**Title 8, 24**

05/08/02 AMEND: 3011(d), 3120.1and 3122.0

**Title 10**

06/07/02 AMEND: 5.2001 and Appendix  
06/06/02 AMEND: 2698.70, 2698.71 REPEAL:  
01-1219-06 E  
06/03/02 ADOPT: 2187.3 AMEND: 2186.1,  
2187.1, 2187.2  
06/03/02 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,  
2192.5, 2192.6, 2192.7, 2192.8, 2192.9,  
2192.10, 2192.11, 2192.12, 2192.13  
05/01/02 ADOPT: 2278, 2278.1, 2278.2, 2278.3,  
2278.4, 2278.5  
04/29/02 ADOPT: 2699.6606, 2699.6711,  
2699.6631, 2699.6631, 2699.6717  
AMEND: 2699.6500, 2699.6600,  
2699.6605, 2699.6607, 2699.6611,  
2699.6613, 2699.6617, 2699.6623,  
2699.6625, 2699.6629, 2699.6700,  
2699.6703, 2699.6705, 2699.6709,  
2699.6800, 2699.6801, 2699.6809  
04/29/02 ADOPT: 1729, 1741.5, 1950.302  
AMEND: 1741.5  
04/16/02 AMEND: 2698.73  
03/27/02 ADOPT: 260.204.9  
03/26/02 AMEND: 250.30  
03/22/02 AMEND: 2698.200, 2698.201, 2698.301,  
2698.302  
03/21/02 ADOPT: 2130, 2130.1, 2130.2, 2130.3,  
2130.4, 2130.5, 2130.6, 2130.7.8  
03/18/02 ADOPT: 1422 & 1423  
02/27/02 AMEND: 2498.6  
02/26/02 ADOPT: 2581.1, 2581.2, 2581.3, 2581.4  
02/11/02 AMEND: 10.3154  
02/11/02 AMEND: 5002  
02/11/02 AMEND: 4019  
02/07/02 AMEND: 260.102.19, 260.140.41,  
260.140.42, 260.140.45, 260.140.46

**Title 11**

05/24/02 AMEND: 1005  
05/21/02 AMEND: 1005  
05/06/02 ADOPT: 435, 436, 437, 438, 439, 440,  
441, 442, 443, 444, 445, 446, 447, 448,  
449, 450, 451, 452, 453, 454, 455, 456,  
457, 458, 459, 460, 461, 462, 463, 464,  
465, 466, 467, 468, 469, 470, 471, 472,  
473, 474, 475, 476, 477, 478, 479, 480,  
481, 482, 483, 48  
04/26/02 AMEND: 1005, 1008

04/25/02 ADOPT: 1081(a)(32)  
04/23/02 AMEND: 3000. 3001, 3003, 3007, 3008  
04/22/02 AMEND: 900, 901, 902, 903, 904, 905,  
906, 907, 908, 911  
04/15/02 ADOPT: 999.10, 999.11, 999.12, 999.13,  
999.14 and Appendix A  
03/14/02 ADOPT: 1081(a) [31]  
03/11/02 AMEND: 1005, 1007  
03/07/02 AMEND: 1018  
03/06/02 ADOPT: Article 20, Section 51.19  
02/25/02 ADOPT: 410, 411, 415, 416, 417, 418,  
419, 420, 421, 422, 423, 424, 425, 426  
02/19/02 AMEND: 20

**Title 13**

06/03/02 AMEND: 565  
05/24/02 AMEND: 1900, 1960.1 (k), 1961, 1962 &  
the Incorporated Test Procedure  
04/29/02 AMEND: 350.44  
04/04/02 ADOPT: 565  
03/25/02 AMEND: 345.04, 345.41  
03/20/02 ADOPT: 1235.1, 1235.2, 1235.3, 1235.4,  
1235.5, 1235.6 AMEND: 1200  
03/08/02 ADOPT: 593.3  
02/19/02 ADOPT: 156.00

**Title 14**

06/06/02 ADOPT: 749.1  
06/05/02 AMEND: 1.1, 6159, 6170, 6170.5, 6171,  
6179, 6184, 6185, 6200, 6206, 6222,  
6243, 6254, 6255, 6262  
05/30/02 AMEND: 1104.1  
05/23/02 ADOPT: 52.10  
05/22/02 AMEND: 1037.4, 1092.19  
05/21/02 ADOPT: 17367, 17368, 17369, 17370.1,  
17370.2, 18225  
05/20/02 AMEND: 149  
04/29/02 AMEND: 27.80  
04/11/02 ADOPT: 104.1  
04/10/02 AMEND: 17943(b)(26)  
04/10/02 AMEND: 27.67  
04/04/02 AMEND: 670.2  
03/26/02 AMEND: 28.59  
03/25/02 AMEND: 2090, 2105, 2420, 2425, 2530,  
2690  
03/25/02 ADOPT: 180.15  
03/14/02 AMEND: 180.3  
03/14/02 AMEND: 150  
03/13/02 ADOPT: 18627  
03/04/02 ADOPT: 17211, 17211.1, 17211.2,  
17211.3, 17211.4, 17211.5, 17211.6,  
17211.7, 17211.8, 17211.9  
03/04/02 AMEND: 2030  
02/28/02 ADOPT: 4971  
02/22/02 AMEND: 2135

**Title 15**

05/08/02 ADOPT: 4746.5  
 05/06/02 AMEND: 3104  
 04/17/02 AMEND: 3276  
 03/20/02 AMEND: 3401.5  
 03/11/02 ADOPT: 3501  
 03/07/02 AMEND: 3375.2  
 02/28/02 AMEND: 2005

**Title 16**

06/12/02 ADOPT: 4, 9, 12, 12.5, 13, 14 AMEND:  
 6, 7, 9, 9.1, 10, 11.5, 37, 50  
 06/03/02 AMEND: 2034, 2036  
 05/29/02 ADOPT: 980.1 AMEND: 974  
 05/28/02 AMEND: 3340.42  
 05/24/02 ADOPT: 832.06 AMEND: 832.05  
 05/21/02 ADOPT: 2412 AMEND: 2411, 2418  
 05/21/02 ADOPT: 1356.5  
 05/21/02 AMEND: 2006  
 05/16/02 AMEND: 832.54  
 05/08/02 AMEND: 832.09  
 05/02/02 AMEND: 3303, 3353, 3361.1  
 04/09/02 AMEND: 2010.1, 2024, 2025  
 04/02/02 AMEND: 2068.5  
 03/29/02 REPEAL: 1044.4  
 03/29/02 AMEND: 2620.5, 2649, 2671  
 03/26/02 AMEND: 1950, 1950.2, 1970.4 RE-  
 PEAL: 1990.1, 1991.1  
 03/25/02 AMEND: Section 1888  
 03/20/02 AMEND: 1083  
 02/28/02 ADOPT: 4100, 4101, 4102, 4110, 4111,  
 4112, 4113, 4114, 4120, 4121, 4122, 4130  
 02/26/02 AMEND: 3394.4, 3394.6  
 02/20/02 AMEND: 1388, 1388.6, 1389, 1392,  
 1397.63 REPEAL: 1388.5  
 02/19/02 AMEND: 1387.6, 1387.7, 1387.8  
 02/13/02 AMEND: 3361.1  
 02/11/02 ADOPT: 2085.4

**Title 17**

06/10/02 AMEND: 90700, 90701, 90702, 90703,  
 90704, 90705 & to the tables in Section  
 90705  
 05/16/02 AMEND: 6508  
 05/02/02 ADOPT: 2641.5, 2641.10, 2641.15,  
 2641.20, 2641.25, 2641.30, 2641.35,  
 2641.45, 2641.50, 2641.55, 2641.60,  
 2641.65, 2641.70, 2641.75, 2641.77,  
 2641.80, 2641.85, 2641.90, 2643.5,  
 2643.10, 2643.15, 2643.20.  
 04/22/02 AMEND: 70500, 70600  
 04/11/02 AMEND: 58420  
 04/10/02 ADOPT: 54327.2 AMEND: 54302,  
 54327, 54327.1, 56002, 56026, 56093,  
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 03/27/02 AMEND: 57310, 57332, 57530  
 03/12/02 ADOPT: 33001, 33002, 33003, 33004,  
 33005, 33006, 33007, 33008, 33009,

33010, 33011, 33012, 33013, 33014,  
 33015, 33025 AMEND: 33020, 33030,  
 33040 REPEAL: 3001, 33010

03/01/02 ADOPT: 2638 AMEND: 2500, 2502,  
 2505, 2551, 2552, 2553, 2596, 2614,  
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02/28/02 AMEND: 56002, 56031, 56033, 56034,  
 56134.1, 56035, 56036, 56037, 56038,  
 56048, 56054, 56057, 56059, 56060

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06/11/02 ADOPT: 1123, 1124, 1161, 1178, 1435,  
 1436 AMEND: 1101, 1105, 1120, 1132,  
 1134, 1420, 1422, 1430 REPEAL: 1103,  
 1104, 1106, 1107, 1108, 1114, 1115, 1116,  
 1117, 1118, 1119, 1121, 1131, 1133, 1151,  
 1152, 1153, 1154, 1155, 1171, 1172,  
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06/11/02 ADOPT: 255, 263, 264, 265 AMEND:  
 252, 254, 261, 304 REPEAL: 253, 256,  
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06/11/02 AMEND: 21 REPEAL: 23, 24, 25, 26

06/07/02 ADOPT: 1525.7

06/07/02 ADOPT: 1533

06/07/02 AMEND: 1533.1

06/06/02 ADOPT: 1507

06/05/02 AMEND: 1111, 1122, 1137, 1177, 1413,  
 1470; section 1470 withdrawn from the  
 instant filing.

06/04/02 AMEND: 135

05/29/02 AMEND: 23101.5

05/20/02 ADOPT: 138

05/16/02 ADOPT: 139

05/15/02 AMEND: 1699

05/14/02 AMEND: 1603

05/14/02 AMEND: 905

05/13/02 ADOPT: 4011 AMEND: 4061

05/13/02 ADOPT: 1434

04/17/02 ADOPT: 305.3

04/16/02 AMEND: 1668

04/16/02 AMEND: 1525.2

04/16/02 AMEND: 1532

04/03/02 ADOPT: 138

04/03/02 AMEND: 25110

04/02/02 AMEND: 25111-1

04/02/02 AMEND: 25114

03/19/02 AMEND: 25112

03/13/02 AMEND: 24411

03/12/02 AMEND: 24344(c)

03/12/02 REPEAL: 25111.1

03/12/02 REPEAL: 25111

03/11/02 AMEND: 25106.5-0, 25106.5

03/08/02 AMEND: 6001

02/28/02 REPEAL: 25115

**Title 19**

05/22/02 ADOPT: 2000  
 05/16/02 REPEAL: 596.15 & 596.16 & Article 12 thru Article 23  
 04/02/02 ADOPT: 2575, 2575.1, 2575.2, 2576, 2576.1, 2577, 2577.1, 2577.2, 2577.3, 2577.4, 2577.5, 2577.6, 2577.7, 2577.8, 2578, 2578.1, 2578.2  
 02/08/02 AMEND: 2900, 2910, 2915, 2940, 2945, 2955, 2970, 2980, 2990

**Title 20**

06/03/02 ADOPT: 1342, 1343, 1344 AMEND: 1302, 1303, 1306, 1307, 1308, 1340, 1341, 2503, 2505, 2507 REPEAL: 1342, 1343, 1344, 1349  
 03/08/02 ADOPT: 1207, 1212, 1710, 1712, 1714.5, 1718, 1741, 1748, 1751, 1752, 1755, 1940, 1945, 2021

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06/10/02 ADOPT: 100178.1 AMEND: 100177, 100178  
 04/30/02 AMEND: 51515(c), 51515(e), 51518(b), 51521(1), 51527(b)  
 04/18/02 AMEND: 4304-12  
 04/16/02 AMEND: 12000  
 04/16/02 AMEND: 4408, 4409, 4414  
 04/11/02 AMEND: 66261.6  
 04/04/02 AMEND: 66262.54, 66264.71, 66264.71, 66265.71, 66265.72, 66270.30, Appendix  
 04/04/02 AMEND: 66270.69, 67800.1, 67800.5  
 04/04/02 ADOPT: 66270.42.5, 66271.20 AMEND: 66270.42, 66271.18, 66270.21  
 03/26/02 ADOPT: 66273.6, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, 66273.90 AMEND: 66261.9, 66273.1, 662173.8, 66273.9  
 03/21/02 AMEND: 926-3, 926-4, 926-5  
 03/19/02 ADOPT: 110250, 110374, 117016, 117019, 117021, 117025, 117030, 117036, 117042, 117047, 117049, 117052, 117054, 117064, 117074, 117080, 117083, 117085, 117089, 117091, 117094, 117200, 117300, 117301, 117302, 117303, 117400, 117401, 117402, 117403, 117404,  
 03/07/02 ADOPT: 67900.1, 67900.2, 67900.3, 67900.4, 67900.5, 67900.6, 67900.7, 67900.8, 67900.9, 67900.10, 67900.11, 67900.12  
 03/06/02 ADOPT: 64860  
 03/05/02 ADOPT: 111900, 111910, 111920, 121100, 121120, 121140  
 03/01/02 AMEND: 14000

03/01/02 ADOPT: 68200, 68201, 68202, 68203, 68204, 68205, 68206, 68207, 68208, 68209, 68210, 68211, 68212, 68213

02/28/02 AMEND: 12000

02/21/02 ADOPT: 110041, 110098, 110284, 110299, 110428, 110430, 110473, 110539, 112002, 112015, 112025, 112034, 112035, 112100, 112110, 112130, 112140, 112150, 112152, 112154, 112155, 112200, 112210, 112300, 11230.1, 112302 AMEND: 110042, 110431, 110609

02/20/02 AMEND: 100209 (c)

02/13/02 ADOPT: 68300, 68301, 68302, 68303, 68304, 68305, 68306, 68307, 68308, 68309

02/11/02 ADOPT: 110413, 110550, 113100, 113200, 113300 REPEAL: 12-104.1, 12-104.432, 12-221

02/08/02 AMEND: 66260.10, 66261.9, 66262.11, 66264.1, 66265.1, 66268.1, 66270.1, 66273.1, 66273.2, 66273.3, 66273.4, 66273.5, 66273.6, 66273.7, 66273.8, 66273.9, 66273.10, 66273.11, 66273.12, 66273.13, 66273.14, 66273.15, 66273.16, 66273.17, 66273.18, 66273.19,

**Title 22, MPP**

05/29/02 ADOPT: Title 22 section 119184 REPEAL: MPP section 12-225.3

05/02/02 ADOPT: 110411, 110625, 111110, 111120, 111210, 111220, 111230 REPEAL: MPP 12-000, 12-003, and Appendix I

04/08/02 ADOPT: 85081, 87593 AMEND: 85001, 87101

03/25/02 ADOPT: 110385, 110449, 110554, 118020, 118203 REPEAL: 12-301.1, 12-301.2, 12-301.3, 12-302.1, 12-302.2, 12-302.3, 12-302.4, 12-302.5

02/21/02 AMEND: 87102, 87564.3, 87730

**Title 23**

06/07/02 ADOPT: 510, 511, 512, 513, 514, 515, 516, 517

05/23/02 ADOPT: 3962

05/03/02 AMEND: 3961

04/17/02 AMEND: Article 6, section 645

04/03/02 AMEND: 2712(e)

04/03/02 AMEND: 3954

02/13/02 AMEND: 3923

**Title 25**

04/26/02 AMEND: 7060, 7062.1, 7078.2, 7078.4, 7078.5

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**Title 27**

05/09/02 AMEND: 22200, 22228, 22233, 22248,  
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03/05/02 AMEND: 15110, 15240

16-505, 16-510, 16-515, 16-517, 16-520,  
16-601, 16-610, 16-701, 16-750, 16-801  
AMEND: 20-300, 44-302,

03/06/02 AMEND: 63-403

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04/24/02 ADOPT: 1300.41.8  
02/14/02 ADOPT: 1300.67.05

02/28/02 AMEND: 63-102, 63-103, 63-300, 63-  
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02/28/02 ADOPT: 40-107.141, 40-107.142, 40-  
107.143, 40-107.15, 40-107.151, 40-  
107.152, 42-302.114, 42-302.114(a)-(c),  
42-302.21(h)(1), 42-302.3, 44-133.8, 82-  
833 AMEND: 40-107.14, 40-107.16, 40-  
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05/09/02 ADOPT: 44-302 AMEND: 25-301, 25-  
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25-310.3, 25-330.9, 25-506, 44-304, 44-  
305, 44-325, 44-327, 80-310

04/26/02 ADOPT: 16-001, 16-003, 16-005, 16-  
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02/21/02 AMEND: 63-102, 63-300, 63-301, 63-  
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